

spect to the payment of his debts, into personalty; and as such, held to be assets in the hands of his executor or administrator for the benefit of his creditors. (i) In Virginia, that section which subjected lands to the payment of debts, was rejected and nullified, as an unconstitutional encroachment upon her sovereign rights; (j) but the first section providing a mode of collecting proofs in Great Britain, was admitted to be in force there until our Declaration of Independence. (k)

It has been often said, that this statute in itself made a distinction between the people of Great Britain and those of the colonies; that domestic debts were not included by it; and that by an equitable construction only it was so extended as to embrace Maryland as well as British creditors. (l) It is true, that it may have been passed at the instance of British merchants; and the first section which makes provision for the manner of proving debts, could, from its nature, be only applied for the benefit of those resident in Great Britain, and not to the inhabitants of the Plantations. But the fourth and most important section, and the only one now in force, makes no distinction whatever as to the residence or domicile of the party. On the contrary, all distinctions arising from the local situation of the party, or his being a subject resident in Great Britain, or in the colonies, or in any other part of the British dominions, or his being a subject trading to the Plantations, are expressly excluded by the strong phraseology of the law itself; by which it is declared in the clearest terms, that the real estate situate in the Plantations, shall be chargeable with all just debts owing by any person to his majesty, or any of his subjects; without any allusion whatever to the residence, domicile, or trading character of the subject or persons thus described as debtors or creditors; nor is there any distinction as to the kind of debts; the estate is made chargeable with all just debts, duties and demands of what nature or kind soever.

Real estates having been thus made 'subject to the like remedies, proceeding and process,' as personal estate, towards the satis-

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(i) *Galphin v. McKinney*, 1 McCord, 292; *Telfair v. Stead*, 2 Cran. 418; *Thompson v. Grant*, 1 Russ. 540, note; Will. Exrs. 1017.—(j) 1 Jefferson Corr. 106; 1734, ch. 25, 4 Hen. Stat. 452; 1744, ch. 40, 5 Hen. Stat. 292; 1748, ch. 12, 5 Hen. Stat. 526; 1759, ch. 34, 7 Hen. Stat. 328; 1761, ch. 28, 7 Hen. Stat. 450.—(k) *Lewis v. Bacon*, 3 Hen. & Mun. 89.—(l) *Morgan v. Davis*, 2 H. & McH. 12; *Donaldson v. Harvey*, 3 H. & McH. 13; *Davidson v. Beatty*, 3 H. & McH. 608; *Kilty's Rep.* 250; *Tayloe v. Thompson*, 5 Peters, 358.